

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Kenji HAYASHI

Group Art Unit: 2891

Application No.: 10/807,253

Examiner: D. MENZ

Filed: March 24, 2004

Docket No.: 118942

For: ELECTRO-OPTICAL DEVICE, METHOD OF MANUFACTURING THE SAME,
AND ELECTRONIC APPARATUS

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In reply to the December 15, 2005 Restriction Requirement, Applicant hereby provisionally elects Group II, claims 24-27. The election is made with traverse.


The December 15, 2005 Restriction Requirement also includes an Election of Species Requirement contingent on the election of Group I of the Restriction Requirement. This Election of Species Requirement is thus moot because Group II is provisionally elected. Applicant reserves the right to traverse the Election of Species Requirement.

It is also respectfully submitted that the subject matter of all claims and species is sufficiently related that a thorough search for the subject matter of any one Group of claims and species would encompass a search for the subject matter of the remaining claims and species. Thus, it is respectfully submitted that the search and examination of the entire application could be made without serious burden. See MPEP §803 in which it is stated that "if the search and examination of an entire application can be made without serious burden,

the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions" (emphasis added). It is respectfully submitted that this policy should apply in the present application in order to avoid unnecessary delay and expense to Applicant and duplicative examination by the Patent Office.

Thus, withdrawal of the Restriction Requirement is respectfully requested.

Respectfully submitted,



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JAO:SWA/ccs

Date: January 17, 2006

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